

0384/000/003

1943?

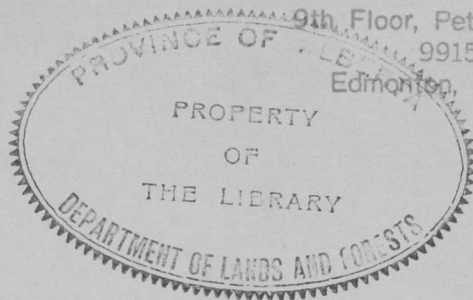
H

GRAZING

V.F.

ALBERTA ENERGY AND NATURAL RESOURCES
LIBRARY

9th Floor, Petroleum Plaza S. Tower
9915 - 108 Street
Edmonton, Alberta T5K 2C9



LIBRARY SERVICES

Alberta Country,
Life
9915 - 108 Street
Edmonton, Alberta T5K 2C9

GRAZING OF LIVESTOCK

ON

ALBERTA FOREST RESERVES

AN INTERPRETATION OF THE GRAZING REGULATIONS

IN FORCE WITHIN ALBERTA FOREST RESERVES

LIBRARY, ALBERTA AGRICULTURE
7000 - 113 STREET, EDMONTON
ALBERTA, CANADA T6H 5T6

*Negative made - 27/5/43 - Positive
given to Mrs M. Green Ellis -
Country Guide?
Winnipeg*

GRAZING OF LIVESTOCK ON ALBERTA FOREST RESERVES.

An Interpretation of the Grazing Regulations in force within Alberta Forest Reserves.

Facts Leading to the Recognition of the Livestock Industry and the Framing of Grazing Regulations.

In laying out the boundaries of such an area of forest lands as comprises the Rocky Mountains Forest Reserve, it was unavoidable that certain areas of desirable grazing lands be included within the boundaries. Further, certain burnt over areas, while potential forest land, have at the present time become comparatively barren of tree growth and bear only a forage crop. Under these circumstances, forage must be considered as one of the resources of the forest and, therefore, to be treated as a revenue producer.

Other considerations enter into the question of use of this forest resource. At the time the Rocky Mountain Forest Reserve was set aside as such a large area of grazing lands was being used by stockmen either under grazing lease control or as open range. It was necessary, therefore, to frame Regulations so that this resource could and would be dealt with in a manner satisfactory to both parties concerned, namely, the stockman and the Forest Service.

There is another point, looking at the forage question purely from the Forest Service viewpoint, and that is one of fire protection. Unquestionably, if it were possible to keep the forage growth down by grazing, the spring and fall danger periods would be easier to deal with.

We find then, five important points favouring the practise of grazing of livestock within the National Forests:

1. The unavoidable inclusion of large areas of grazing lands within established Forests.
2. The fact that grazing of livestock was being practised over the more desirable and accessible areas at the time the Forests were set aside as such.
3. Turning this forest resource into a revenue producer.
4. As a check on the spring and fall fire hazard.
5. The fact that, with increased settlement, and the loss of open prairie range, the stockman would eventually find use for interior range unused at the time of setting aside these areas as National Forests.



Regulations to govern grazing use, designed to give control to the Forest Service, to allow the Service to regulate grazing operations within the forest and to provide reasonable security both as to permanence of use and protection of the range were framed.

GRAZING REGULATIONS

The main objects of the Grazing Regulations are:

- (a) Protection and conservative use of such areas within the National Forests that are primarily adapted to the grazing of livestock.
- (b) Encouragement of the livestock industry by making available to stock owners under reasonable conditions and reasonable rates such grazing facilities as are available.
- (c) The protection of owners of small herds from unfair competition by the larger owners in the use of grazing lands.
- (d) The permanent good of the livestock industry through proper use, care and improvement of grazing lands.

Section 36-1

General authority for the grazing of livestock within forest reserves under the permit system is given. Note that:

- 1. Permits are not to exceed one year.
- 2. Under Section 36-2, permits are renewable subject to the provisions of Sections 39, 41 and 50.
- 3. Under certain conditions, stock may be excluded from any or all parts of the Forest.

It was recognized at the outset that the grazing lease system would not allow satisfactory control in various directions. Therefore, the annual permit system was adopted. It would appear at first glance that the permit system as practised at the present time does not give the same degree of stability or permanency to the stockman that the lease system does. Close examination of the regulations will reveal the fact that grazing operations carried on under the Permit system have a sufficient degree of stability and permanency to satisfy most stockmen, and that the system compares favourably with the lease system. In view of the fact that forage is one of many resources found within the National Forests, and that if our administration of these National Forests is to be successful, the use of the various resources must be co-ordinated one with the other, it appears that the permit system is the only satisfactory means by which this can be done.

The permit system as used at the present time is

the broad base on which the grazing regulations are built. It differs from the lease system in that a definite number of stock is indicated on the permit, the stock to be grazed within a definite period on a stipulated grazing division. The following points are features of the permit system:

1. Control of the number of stock to be grazed.
2. Control of the grazing period.
3. Eliminates a great amount of subdivision by fencing.
4. Allows for even distribution and satisfactory utilization.
5. Provides a means for the equalization of range privileges.
6. The Service retains control of all grazing areas.

Carrying Capacities of Divisions and Districts. Grazing periods.

Section 37

Section 37 provides for limiting the number of stock to be grazed on each grazing district and for a definite grazing period.

All National Forests are sub-divided into Ranger Districts. For the purpose of grazing administration, these ranger districts are divided into grazing divisions. Grazing divisions never overlap into another ranger district, and in this way overlapping of administration is avoided. Like Ranger Districts, the Grazing Divisions have, for the most part, and where it is practical, natural boundaries, -- generally heights of land are used as these form in many instances a natural barrier to stock movement.

Grazing divisions are often divided into allotments, natural subdivisions of the grazing divisions in which one class of stockmen may be segregated.

The carrying capacity, i.e. the number of stock that can safely be grazed on a given allotment, is estimated sometimes by experience, sometimes by actual range reconnaissance.

The estimated carrying capacity of each grazing division, the total for each ranger district, and the total for the forest is the basis for the Supervisor's recommendations to the Director in connection with proposed grazing allowances.

The question of grazing periods, while fixed somewhat arbitrarily, was nevertheless based on experience.

Winter grazing period will be finally established only in such localities where general conditions make the range more valuable for this period than for summer grazing.

At the present time limited winter grazing is being practised in all districts north of the Sentinel district. When the time arrives that winter grazing interferes with maximum summer use, winter grazing use will be curtailed and may be discontinued altogether.

In determining grazing periods, the condition of the range is to receive primary consideration rather than the desire of individual applicants.

Grazing periods recognized on this forest are as follows:

<u>SENTINEL DISTRICT</u>	<u>Summer Period</u>	<u>Winter Period</u>
Pekisko Creek Division	June 1-Nov. 1	Nil.
Sheppard-Stimson Division	May 15-Nov.15	"
Cataract Creek Division	June 1-Nov. 1	"
Lower Highwood Division	May 15-Nov.15	"
Upper Highwood Division	May 15-Nov.15	"
Flat Creek Division	May 15-Nov.15	"
	June 1-Dec. 1	"
Sullivan Creek Division	May 15-Nov.15	"
<u>BIGHORN DISTRICT</u>		
North Sheep Division	May 15-Nov.15	Nov.15-May 15
South Sheep Division	June 1-Dec.1	Dec. 1-June 1
Ings Creek Division	June 1-Dec. 1	Dec. 1-June 1
<u>ELBOW DISTRICT</u>		
Bragg Creek Division	May 15-Nov.15	Nov.15-May 15
Elbow Division	May 15-Nov.15	Nov.15-May 15
Fish Creek Division	May 15-Nov. 15	Nov.15-May 15
<u>JUMPING POUND DISTRICT</u>		
Jumping Pound Division	June 1-Dec. 1	Dec. 1-June 1
Kananaskis Corners	May 15-Nov.15	Nov.15-May 15
Little J.P. Division	May 15-Nov.15	Nov.15-May 15
Sibbald Park Division	May 15-Nov.15	Nov.15-May 15
<u>AURA DISTRICT</u>		
North Ghost Division	May 15-Nov.15	Nov. 15-May 15
Little Red Deer Division	May 15-Nov.15	Nov. 15-May 15
Harold Ck. & Greasy Plains	May 15-Nov.15	Nov. 15-May 15
<u>RED DEER DISTRICT</u>		
Lower Red Deer Division	May 15-Nov.15	Nov.15-May 15
Upper Red Deer Division	May 15-Nov.15	Nov.15-May 15
Lower James Division	May 15-Nov.15	Nov.15-May 15
Fallen Timber Division	May 15-Nov. 15	Nov.15-May 15

The question of carrying capacity for each division and grazing periods is dealt with annually by the District Rangers in their grazing report. It is essential, therefore, that a close check be kept on grazing operations in order that control of these two important features may be properly exercised. Changes in either the carrying capacity or the grazing period are sometimes necessary. Recommendations will come from field officers and must be fully explained.

Applications for Grazing Permits-Form 154

Section 38-1

Applications for grazing permits must be made to the officer in charge of the reserve. This means that the completed application form is to be sent to the officer in charge of the reserve who is the only officer who may approve or dispose of the applications. Grazing Permit applications may be completed before any forest officer or any person authorized to administer an oath. Application forms are sent to all permittees of the previous year not later than February 1 of each year.

Applications received prior to March 1 are dealt with after that date by the officer in charge of the reserve and before consideration is given to applications received after that date. It is possible for an applicant to lose his grazing privilege by neglecting to file his application with the forest officer in charge of the reserve prior to March 1 if the number of stock applied for prior to that date will completely stock the division.

1. The date March 1 is set in order to enable the Supervisor to act on applications, complete range allotments, forward notices of approval, receive dues and fees and arrange for the issuance of permits in advance of the opening of the grazing season. Applications are not dealt with until after March 1. Forest Officers are warned that they are not at liberty to give any person an opinion as to what action may be taken on his or any application.

The form of Grazing Permit Application is the only form on which application may be made. The information called for on this form is all necessary and must be answered to the applicant's best ability. This information allows the applicant to receive full consideration under the regulations.

2. On receiving an application at the Forest Office all entries will be carefully checked and if the application has been properly completed receipt of same will be acknowledged, immediately. If the application is not properly completed it will be returned to the applicant for completion. Speculation in grazing permits is prohibited and permits will be refused or cancelled for intentional false statements in the application. When an application is disapproved in whole or in part or when a permit is cancelled, the Supervisor will advise the applicant or permittee of the action taken giving adequate and conclusive reasons for such action. A copy of this advice will be sent (1) to the District Forest Inspector, (2) to the ranger concerned.

Protection of Regular Permittees within fully stocked Grazing Divisions.

Section 38-2

Section 38-2 provides that new applications for grazing privileges in fully stocked districts must be made six months prior to March 1 in order to receive consideration for the following grazing season. The reason for this is fully explained under Section 41, subsection 4.

A Penalty for Non-payment of Dues.

Section 38-3

Section 38-3 provides a penalty for non-payment of grazing dues within one month from date of notification that the application is approved and amount of dues. This penalty (loss of priority) would be used in fully stocked districts where there were outstanding applications for grazing permits.

Applications are presumed to be made in good faith and if they are found to be other than that, they cannot be allowed to have the effect of excluding bona fide applications from consideration.

Classification of Applicants.

Section 39

Section 39 provides for the classification of applicants, establishing three classes and laying down definite conditions that place applicants in one of the three classes. Section 39 is one of the main guides used in connection with approval of applications, and while the field officer has practically nothing to do with approvals, he should nevertheless understand how approvals are arrived at. Classification of applicants is an extremely important feature of our grazing administration, and in fully stocked districts it is probably the most important. You will note that mention is made of the "grazing unit."

Grazing Unit.

The "grazing unit" is considered to be the minimum number of stock that can be handled on a small ranch on a paying basis. The number of stock in the grazing unit used on this forest is 300 head.

Conditions applying to the various classes explained.

Class 1

Applicants placed in this class:

1. Own and reside upon improved ranch or farm property;
2. The property must be near a grazing district within a forest reserve;

3. They must be dependent upon forest range for their stock;

4. They must not own more stock than the "grazing unit" for the district.

Condition 1 - Excludes homesteaders until the land entered upon becomes patented. Excludes partnerships, firms and corporations.

Condition 2 - No definite district is set. This condition has been made elastic in order that we may fit it to the varying grazing conditions found outside the forests. The application of this condition will depend entirely upon local conditions.

Condition 3 - "dependent upon forest range for their stock" Stockmen may only become dependent on this range by reason of continued use. The policy on the Bow River Forest is to recognize this dependency through continued use over a period of three years; in this way dependency is established with preference number. The result of this policy is that new applicants even if they met conditions 1, 2 and 4, cannot be placed in Class 1 until dependency is proven.

Condition 4 - The total of all stock (horses and cattle) owned by the applicant must be shown on the application whether the stock is located near a National Forest or in other parts of the country. If this total exceeds the unit number, the applicant is not Class 1.

Applications meeting conditions, 1, 2 and 4 of Class 1 are dealt with before and given priority over applications from Classes 2 and 3.

Class 2

Applicants placed in this class must meet either of the following conditions:

1. Own improved ranch or farm property near a grazing district in a forest reserve and own more than the "grazing unit."

2. Own stock that has been regularly occupying and dependent on forest range.

Condition 1 - Note that residence is not necessary.

Class 2 takes care of the stockman running medium sized and large herds under condition 1, and under condition 2 of the stockman who cannot meet condition 1, but who through past use has established his dependency on forest range. Applicants placed under Class 2 by reason of condition 2 would come from Class 3.

Class 3

Applicants placed in this class are those who cannot meet conditions set for Classes 1 and 2. Class 3 applicants usually come from a considerable distance and in most cases are intermittent in their use of forest range.

Section 39-2

Section 39-2 provides for consideration or disposal of Class 3 applicants. It is a wise provision in that it protects the regular user from the person who is quite liable to load up with stock and demand recognition in times when the stockraising business is good, but who drops out of the business entirely when adverse conditions are present.

Office fee and Grazing Dues

Section 40

Section 40:-

1. provides for the payment of an office fee of one dollar before any permit is issued. (See sub-section 4).
2. authorizes the Director to fix the grazing dues.
3. fixes the minimum dues for cattle and horses (5 cents per head per month) and the maximum dues (15 cents per head per month).
4. fixes the minimum amount of dues payable on any permit (an amount equal to three months' dues) -- "on and off" range excepted.
5. recognizes the principle of "on and off grazing" and lays down conditions for dealing with this class of grazing use.

Condition 1 - Office fee covers expense of issuance of permit, etc.

Condition 2 - Allows for revision of grazing dues from time to time and also allows the Service to put into practice a policy of reduced dues on range remote from the settlements or on range of less valuable than that usually encountered within the forests.

Grazing Dues in Force Jan. 1/28

Grazing dues on horses, 10 cents per head per month.
Grazing dues on cattle, 8 cents per head per month.
Grazing dues on sheep, 2 cents per head per month.

In connection with grazing dues on sheep see subsection 5 of this section.

Condition 3 - Fixes the limits within which revision of dues may be made.

Condition 4 - Fixes a minimum amount of dues which may be accepted on any permit. This condition is used where applications for permits are received for periods of three months or less. Regular use over the full period of the grazing season is to be encouraged.

Condition 5 - Recognizes "on and off grazing" and lays down rulings for dealing with this class of use.

On and Off Grazing and the Computation
of dues for each use.

"On and off grazing" occurs where the boundary of a forest is not fenced and in such instances where part of a natural grazing unit lies within the boundary, and part outside the boundary. Under such conditions the "on and off" principle is employed to deal with grazing use.

You will note that, before action can be taken on such a case, certain information is necessary.

(a) The applicant shall produce evidence supported by an affidavit stating that his stock use that part of the range lying within the Forest during a portion only of the grazing season and giving an estimate of the period of use.

(b) Information from the forest officer to the effect that only partial use of the range lying within the Forest is made by such stock.

Condition 5 indicates that information pointing to the use of range as under (a) or (b) will be sufficient grounds for dealing with such matters. In actual practice, however, the information from the applicant will be investigated and reported upon by the field officer.

Section 40-2.

Section 40, subsection 2, provides two methods for computing the amount of dues in connection with "on and off" grazing dues.

(a) Using this method, the total acreage of the grazing area is computed; the area within the forest boundary is computed; the number of stock grazing on the entire area being known, a permit is issued for a number of stock that the area within the forest boundary carries on the basis of ratio of the entire number of stock to the entire area.

(b) Using this method, an estimate of the period of time the area within the forest is used will be made and a permit is issued for the entire herd, the dues for which will be computed on the estimate of the period of time the forest range is used.

On and off grazing practice, while unavoidable at times, is very unsatisfactory. Control of grazing use is difficult under such procedure and is quite likely to lead to trouble with the permittee. This class of

grazing use is to be discouraged. Where such practice is unavoidable, the matter must be thoroughly investigated, all important points noted, and when the permit is issued it shall be under conditions subscribed to by the applicant that will provide protection for the Service and eliminate so far as possible any chance of friction arising between the Service and the Permittee.

Section 40-3

Self-explanatory. (See condition 4-Section 40, Sub-section 1.)

Payment of Dues and Office Fee.

Section 40-4.

Condition 1. Payment of dues and fee for or in connection with any permit must be made in full before the permit is issued. (See Section 55, Subsection 1).

Condition 2. Provides that no refund of dues or fee shall be made for partial or total non-use of the privileges granted by the permit except under certain conditions.

Conditions governing Refunds.

Refunds - (a) Subject to the Minister's approval.

(b) The applicant for refund must show conclusively that exceptional and unexpected circumstances beyond his control have rendered the use of the range by the permittee's stock impossible or impracticable.

(c) The applicant for refund must not have violated any of the permit conditions.

(d) Information called for in the application (both for grazing permit and refund) must be correct and not misrepresented in any manner.

(e) Claim for refund must be made to the officer in charge of the reserve within thirty days of the date of the opening of the grazing season.

The conditions under which a refund will be granted are reasonable and just. The Service is given adequate protection and the possibility of range speculation practically eliminated. The office fee is not refunded.

Grazing Dues - Sheep

Section 40-5

The rate of dues on sheep is two cents per head per month for the Bow River Forest.

Natural Increase of Herds Exempt from dues - Conditions.

Section 40-6

Section 40-6 provides that dues shall not be charged

on the natural increase of a herd grazing within a forest reserve under permit within the following limits:-

- (a) Sheep under the age of four months;
- (b) Other stock under the age of six months.

Note that exemption of dues is granted only for the natural increase of herds under permit and within the limits set forth.

Grazing Unit.

Section 41

Section 41-1 provides authority for the establishment of the "grazing unit", indicates how the number of stock composing a grazing unit is arrived at, and thus provides for the working of Section 39. (Classification of applicants). The grazing unit in use on the Bow River Forest is 300 head of stock.

Preference Limit.

Section 41-2 provides for the establishment of a number of stock known as the "Preference Limit." You will note that the preference limit represents the maximum number of stock for which a duly qualified permittee may be entitled to a renewal permit.

The preference limit in use on the Bow River Forest is 1200 head of stock.

Establishment of a "preference" etc.

Section 41-3 provides for:

- 1. The utilization of surplus range.
- 2. The increase of the individual preference up to the preference limit.

Subsections 2 and 3 are closely relative and have an important bearing on the approval of renewal application.

The following points are worthy of note:

- 1. All new permits are temporary and confer no future grazing preference.
- 2. Stock grazed under temporary permit for a period of three consecutive seasons establishes at the end of the third season "dependency on forest range" -- (see Section 39, Classes 1 and 2) -- and establishes a preference or renewal right for the smallest number of stock grazed during any one of the three seasons.
- 3. Where surplus range exists, the individual preference may be increased up to the "preference limit" by increasing the individual herd grazed under permit and by regularly utilizing the range with the increased herd

for a period of three grazing seasons.

4. Increase in a permit over the established preference of any individual are considered temporary and confer no future grazing preference until regular use of range by the increased number has justified the increase of the individual preference in question.
5. The individual preference shall be reduced if in any season the number of permitted stock falls below the established preference.
6. The individual preference shall be cancelled for failure on the part of the permittee to graze stock in any one season. Provided, however, that due to circumstances over which the permittee has no control stock is not grazed on forest range during one season the preference may be retained by filing with the Supervisor a statement giving satisfactory reasons for non-use of the range. The statement must be filed at the Forest office prior to the opening of the grazing season. The preference can be held but one year in the above manner.
7. An individual preference shall not be established for a greater number of stock than the permittee can winter on lands owned or controlled by him.
8. Grazing priorities and preferences cannot ordinarily be retained by a permittee unless he pays for and secures a permit for the full grazing period in effect on the grazing division to which his stock is allotted.
9. Applicants falling under Class 3, Section 39, cannot establish a preference.

Effect of the Permit System as
administered at the present time

Through classification of applicants, the establishment of the "grazing unit", the "preference limit", the manner in which the figures representing these terms are arrived at, and the method of application, permanency of use to the limit of the unit number is practically assured, stability within the industry is encouraged and regular use made worth while. The speculator and the transient stockman are eliminated so far as possible.

Equalization of Grazing Privileges

Section 41-4 provides for equalization of grazing privileges by authorizing the reduction in the number of stock grazed under renewal permit.

This subsection has an important bearing on the approval of applications from Class 1 applicants for grazing privileges within fully stocked divisions. It is framed for the protection of this class of applicant.

Note the following points:-

1. The scale of reduction is to be fixed by the Director.

2. The scale of reduction shall not exceed 10 per cent of the preference number.

3. The reduction shall be made at the close of the grazing season. A reasonable period is given the permittee to arrange for the reduction of his herd. (Note the relationship to Section 38, subsection 2.)

4. All temporary grazing privileges shall be discontinued before any reductions are applied to stock grazing under renewal permit; i.e. temporary permits shall be discontinued before reductions are applied to established preferences.

Utilization of remote Grazing Areas.

Section 41-5 provides for the utilization of grazing areas remote from the settlements and unsuitable for restricted seasonal grazing. This section recognizes the necessity of certain improvements and assurance of the use of such improvements and range over a period of years in order that utilization may be undertaken with security.

Such matters would be thoroughly investigated and reported upon. The conditions subscribed to by the Minister and the applicant would be binding and should protect the Service from every angle, and provide sound protection for the permittee.

Branding of Stock.

Section 42

Section 42 provides that all cattle and horses over six months old must be branded with the owner's registered brand before being permitted to graze on a forest reserve.

This section has a very direct bearing on the year long grazing as practised in certain districts of this forest. The necessity of branding is obvious and it would appear that advantage of this section should be taken in order to force an annual round-up of stock.

Notification of Entry and Removal of Stock.

Section 43

Section 43 provides for notification of the date of entry on to and removal from forest range of permitted stock.

The permittee shall give at least two weeks' notice by mail or otherwise to the forest officer concerned or the officer in charge of the reserve, stating the date of entry or removal and the number of stock to be moved.

This section allows for the count of stock, a confirmation of the extent to which the range has been utilized and a check on the permittee.

Field officers will report the infringement of this regulation as soon as information comes to their attention.

Action at the Expiration of the Grazing Period.

Section 44.

Section 44 provides for:

1. The removal of stock at the expiration of the permit period.
2. The extension of the grazing period if the condition of the range justifies such extension. General Receipts will be issued at the prevailing rate of dues to cover use of range under an extended grazing period. Office fee is unnecessary.
3. The removal of stock at the expiration of the permit period by the Forest Officer and protects the Service from any claim for damage.

Replacement of Stock removed from the Range before the expiration of the permit.

Section 45

Section 45 provides that any stock removed from forest range before the expiration of the permit may be replaced by other stock to an equal number owned by the permittee.

The forest officer must count the stock so removed and the stock replacing the number removed.

Change of Ownership during the Permit Period.

Section 46

"If the stock are sold during the term of the permit, the permit shall be surrendered and a new permit for the unexpired portion of the term will be issued free of dues to the purchaser of the stock."

The permit must stand in the name of the owner. An office fee of one dollar must be paid before the new permit can issue.

"Preference" is not transferred with the sale of stock nor with the sale of a ranch.

"Preference" is transferred only when the entire stock and ranch are purchased. A copy of the agreement of sale must be furnished to the officer in charge of the reserve before the transfer of preference can be made.

Sale of permittee stock, ranch holdings, or both, should be reported to the Supervisor by the field officer.

Salting of Stock.

Section 47

Section 47 provides for the practice of salting all stock grazed under permit. If necessary, the forest officer may direct this work.

Satisfactory provision of salt is a necessity both for the stock, and in order that the utilization of range forage may be uniform. Salting provides the best measure for locating stock on a given range and if systematically done will assist in bringing about better distribution of stock over the range. For these reasons, and so that poor salting practice with resultant damage to the range may be avoided, power is given the forest officer to direct this work if he deems it necessary. The field officer may, therefore, select the salting grounds, prescribe the amount within reason and otherwise supervise the practice of salting. If the field officer finds that direct supervision of this feature of range management is necessary, he shall use judgment in dealing with the matter in order to avoid unnecessary friction.

Field officers should see that salt is not placed near water supply where stock tend to congregate and over-graze the range.

Disposal of Dead Animals.

Section 48

Section 48 provides for disposal satisfactory to the forest officer of all animals that die in a forest reserve from any cause. You may direct that the animal be buried, burnt or any other manner of disposal that will produce satisfactory results. The main point to remember is that waters must not be polluted and range must not be infected, which is mainly the reason for authority given under Section 48. Animals that have died from contagious disease must be burnt.

Permits for the Movement of Stock across a National Forest

Section 49

Section 49 provides for the driving of stock across a forest reserve.

Any permit authorizing such action must be subject to such conditions as will protect all interests of the Service, and if necessary, such private interests as may be found along the route of travel.

Penalties for Infringements by Permittees

Section 50

Section 50 provides penalties for the following:

1. Any breach of the Regulations;

2. Failure to comply with the permit conditions by the permittee.
3. Failure to comply with the instructions of the officer in charge of the reserve or the forest ranger.

Penalties under Section 50:

1. Cancellation of permit.
2. In the discretion of the Minister, the privilege of obtaining any further or other withdrawn.

In connection with Section 50, bear in mind that the Regulations and permit conditions are definite in their conditions. Forest officers will endeavour to convey their instructions in a definite manner. If conditions seem to warrant, they are to note such instructions in their diary for the reason that action taken for failure to comply with instructions is important and should be properly supported by diary entry. Penalties under section 50 do not relieve the offender from action under Section 87.

Responsibility for Damage to National Forest Works.

Section 51

Section 51 places the responsibility for damage to improvements on a forest reserve, and provides for the repair of such damage. You will note that a person is responsible for such repair whether damage is the result of his own action or of persons in his employ or of stock owned by him. The forest officer will be reasonable in his interpretation of this regulation and use good judgment in employing the authority granted. (For penalty see Section 50).

Protection of Water Supplies.

Section 52

Section 52 provides for the protection of the source of water supply from injury or contamination when considered necessary.

The important water supplies will be those used at Field officers' headquarters, supplies for public camp grounds, and supplies for cities, towns and villages.

Action to be taken will be determined by the case being dealt with. Such action may take the form of fencing small springs or where a large water supply is involved the entire exclusion of stock from a drainage basin. (See also Section 48).

Waivers on Privately Controlled Grazing Areas.

Section 53

Section 53 provides for the complete utilization of any natural grazing area, part of which may be leased or deeded land lying in the forest reserve or immediately adjoining the forest reserve, the balance of the area being Dominion Lands within the forest reserve.

This regulation provides that, if the owner of such deeded or leased land will waive exclusive rights thereto, a grazing permit free of dues for the number of stock the deeded or leased land will carry shall be issued in his favour authorizing grazing over the entire natural grazing area. The waiver will eliminate the necessity of fencing out of the forest reserve such deeded or leased land and will allow the Service to issue grazing permits to the fully carrying capacity of the natural grazing area in question.

Basis for Estimating the Carry Capacity

An arbitrary figure of one head for each twenty acres for year long grazing; one head for each 10 acres, six months' summer grazing.

Stock Associations

Section 54

Section 54 provides for the formation and recognition of stock associations as advisory boards in matters pertaining to local grazing.

You will note that recognition is dependent upon the conditions that a substantial majority of the membership of the association must be regular users of forest range.

You will further note that, upon recognition, the association is entitled to notice or proposed action on grazing matters affecting the members, that they may make advisory recommendations in connection with the grazing allowance for the grazing division which the members may use, the division of range between different classes of stock or owners and the adoption of special local conditions.

In districts where grazing use is represented by a number of small owners, the formation of these owners into a recognized association is desirable and should be encouraged. In such instances, the work of the Service is rendered much easier and friction is greatly reduced between owners if the principal contact is between the Service and a stock association rather than the Service and the individual. In so far as the individual stockman is concerned, an association allows the pooling of interests, herds where possible, management and expenses and range improvements, all of which could not be financed by the individual or authorized by the Service if for the individual, but which is financed much easier by an association and approved more readily by the Service.

Associations are formed of stockmen drawn from one grazing division. Usually such an association becomes responsible for the actual management of stock on the range and for the construction, maintenance and use of necessary improvements. Stock grazed under such a scheme are charged association dues at a pro rata basis on cost of improvements plus pro rata cost of management on the range. Where such associations operate, membership in the association and payment of association dues

are necessary before an application for grazing permit shall be approved by the forest officer. Collection of association dues may not be undertaken by the Forest Service.

Grazing Trespass

Section 55

Section 55 states definitely that the owner of stock grazing on a forest reserve without permit shall be liable to certain penalties.

1. If it is proved that the trespass is without wilful intent, the penalty is twice the regulation rate of dues for the period of trespass and in no case less than fifty cents per head.
2. If it is proved that the trespass is with wilful intent, the penalty is four times the regulation rate of dues for the period of trespass, and in no case less than one dollar per head.

Action to recover trespass dues must make the following points:-

1. Trespass - prove presence of animals on the forest and ownership.
2. Prove number of stock in trespass - counts of stock made and dates, locality, etc. Note information in your diary; also the names of witnesses present.
3. Prove intent.

Intent will be proven principally by (a) the owner's experience with forest grazing and understanding of the regulations, (b) action of the owner upon notice to remove trespassing stock from forest range.

Grazing Trespass Procedure.

When stock are found grazing in trespass, the procedure will be as follows, assuming that ownership is known.

The field officer will immediately notify the Supervisor's office giving details of ownership, brands, number, length of time in trespass. The owner will be notified by (1) the field officer personally if he can reach the offender more quickly than by using mail or (2) if mail is the most satisfactory means of communication, the field officer may notify the offender by registered post retaining a copy of the letter for his files and sending a copy to the Supervisor, or (3) the owner may be notified by registered post from the office of the Supervisor. The first or last mentioned methods are considered the best practice.

The ranger must note details of any notification to the trespasser in his diary. If registered post is used, a receipt must be asked for. This can be obtained

at a slight additional cost. It has been found that the ranger's diary is a very valuable piece of evidence in prosecuting trespass, particularly grazing trespass. The forest officer will note in his diary, under proper date, counts of stock, location, brands, notification to remove, etc., in fact anything that will prove useful evidence or as a record for consulting at a later date.

Trespass on Fully Stocked Range.

If the stock are in trespass on fully stocked range, the owner will be notified to remove them immediately, such removal to be completed in fifteen days. In event that the owner fails to remove the stock, he shall be prosecuted for wilful trespass.

Trespass on Range not Fully Stocked.

If the trespass is committed without wilful intent to contravene the regulations, and if the stock has been in trespass a short period of time, the owner will be notified of the trespass and given the opinion of removing such stock or taking out a permit at double the regular rate of dues. In a case of this kind, occurring on a grazing division managed by a stock association, care must be taken to protect the association. In the majority of cases where an association is affected, it will be considered the best procedure to request removal of stock.

In order that grazing trespass may be successfully prosecuted, it is necessary that the following evidence be produced;

1. Show beyond doubt that a stated number of stock were in trespass on a stated location on a stated date. Identity of owner must be proven beyond doubt.

If this is to be done in a satisfactory manner, counts of stock must be made, stock must be examined as to brand. This information will be noted in the diary and supported by an affidavit. The important thing is actual count of stock, the date and location in connection with that count. This information should be noted every time a count is made. The evidence should be confirmed by another forest officer or by other witnesses if possible. Although this last procedure is not absolutely essential, it is obvious that such confirmation will strengthen the case for the prosecution.

2. It must be established that the offender has had notification of the fact that his stock were in trespass and that he has been given reasonable opportunity to either remove his stock or to cover much stock with a grazing permit.

The necessity for registered post and receipt of letter will be seen; also in case of verbal notification, the value of noting such action in the diary.

3. Proof of wilful intent to contravene the regulations.

In order that the proper amount of trespass dues may be fixed, sufficient evidence must be at hand to prove the intent of the offender. In this connection, the offender's knowledge of and previous experience with grazing regulations and the proper procedure in connection with the granting of grazing privileges is important. Wilful intent to violate the regulations may also arise from the offender's action after having been notified to remove stock or being given the opportunity to cover such stock with a permit.

Here again will be seen the necessity for recording the original notification as instructed, for subsequent counts of stock after first notification, and evidence regarding the offender's actions after the first notification.

Removal of Trespassing Stock.

Section 55 provides for alternative action on grazing trespass as follows:

1. The trespassing stock may be driven off the forest reserve by the forest officer and the owner shall have no claim for loss or damage resulting therefrom. (See Section 44).

2. If the owner is known, notification by a notice mailed by registered post with return receipt arranged for to his last known address. The notification to indicate,--

- (a) the number of stock in trespass;
- (b) the place or locality of trespass,
- (c) the amount of trespass dues,
- (d) definitely, the final date on which trespass dues will be accepted (15 days from date of notification by registered post.)

If the owner fails to pay the trespass dues within fifteen (15) days from the date set in such notice, action may be taken as indicated under clause 3 of these instructions.

3. The roundup and advertisement of stock in trespass the owner of which (a) cannot be located, or (b) fails to pay trespass dues within the required time, followed by the sale, appropriation, destruction or other form of disposal of such stock as instructed by the Director.

4. In no case shall the owner have any claim for loss or damage for action taken under Section 55.

5. Provides for the release of trespassing stock advertised for sale,

- (a) if satisfactory proof of ownership is submitted to the forest officer by the owner before consummation of the period mentioned in the advertisement; and
- (b) on payment of the trespass dues and incidental expenses.

Ruling of Departmental Solicitor in connection with the roundup, removal and sale of trespassing livestock.

"The Departmental Solicitor, to whom these questions were submitted, is of the opinion that it would be in order to hold a sale of stock under the Forest Reserves Regulations outside a reserve. I presume the argument in support of such a course would be that the animals were seized on a forest reserve, under the regulations, for the purpose of selling them, and that the place of sale would be merely a matter of expediency to be settled "under the instructions of the Director of Forestry." While it would thus appear that we are within our rights in conducting a sale outside a reserve, there is always a possibility that the legality of such a course may be disputed, and in order that we may avoid this issue as much as possible, I think we should confine the number of sales held outside reserves to those that could not be very well held otherwise.

"With regard to the question of branding stock prior to a sale, the Departmental Solicitor is of the opinion that such a course would be unwise. Under the Alberta law, a private individual would probably lay himself open to trouble if he placed his brand on an animal bearing an unvented brand. We should, therefore, avoid any possibility of conflict in this connection. There is also a further objection to this course in that, as you state, we have no official vent wherewith to vent animals bearing our brand.

"The Departmental Solicitor is of the opinion that a bill of sale would provide ample protection to purchasers of stock sold under our regulations, and that such purchasers should not need any other assurance of the bona fides of the sale."

Procedure Before Sale of Astray Stock.

1. Arrange for a suitable holding pasture. If such a pasture is not available within the forest, pasture will be rented.
2. Have sufficient help to clean the range quickly.
3. Make a record of each animal gathered and placed in the holding pasture in the form of a written description.
4. Segregate the branded stock from the unbranded stock.
5. Be sure that branded description is correct.
6. Ascertain from the Recorder of Brands or other authoritative source what brands are registered and the names of the owners.
7. Prepare for advertisement of the stock gathered, advertisement to appear in two issues of one or more local papers. Fix date, time and place of sale.

Form of Advertisement

Sale of Stray Stock

The Forest Service, Department of Lands and Mines, are offering for sale by auction, the following stock found astray on the _____ Provincial Forest. The sale will take place at _____ in Section _____ Township _____ Range _____ West _____ Meridian, at _____ o'clock on the _____ day of _____ 19____.

No animal will be sold for less than the grazing trespass dues and expenses against it. Terms, cash at the time of sale.

Owners of this stock may claim and secure delivery of the same prior to the hour of sale upon proof of ownership and payment of trespass charges and expenses. If, within three months of the date of sale, an owner submits proof of ownership, he will be paid proceeds of the sale, less trespass charges and expenses.

(Followed by description of kind of stock, age, colour, mark, brands, etc.)

8. Stock bearing brands the owner of which cannot be located will be put up for sale.
9. Stock bearing brands, the owner of which can be located, will be dealt with under trespass proceedings.
10. Stock claimed prior to the hour of sale by the owner submitting satisfactory proof of ownership will be released to the owner on payment of trespass dues and roundup charges. Terms cash at the time of release.

Sale Procedure of Astray Stock.

1. The Regulations for Provincial Forest Reserves are to govern the sale.
2. If possible, the stock are to be held within the Provincial Forest and if possible sold there.
3. The auctioneer may be the Supervisor or Ranger and will act "under instructions from the Director."
4. Stock bearing a registered brand without any vent mark must not be sold unless the owner cannot be located.
5. Upset price to be announced by auctioneer before bids are called for. The upset price will include:
 - (a) trespass dues,
 - (b) feed,
 - (c) corral or pasture rental, if any,
 - (d) extra help,
 - (e) advertising,
 - (f) other costs that may be properly charged.
6. The Service is not responsible for producing any animal advertised. (Animals may break out of the round-

up pasture). Note that the form of advertisement states "the following stock found astray."

7. Stock put up for sale and not sold shall become the property of the Forest Service and may be used by the Service or destroyed as seems advisable.

8. Terms -- cash at the time of sale.

9. Upon satisfactory proof of ownership of stock sold, within three months after such sale, the proceeds of the sale of such stock less the upset price shall be transferred to the owner in question.

Section 55-2 authorizes the Director to indicate the grade of bulls to be allowed on forest range and to designate the proportion between the number of bulls and the number of breeding stock.

This regulation is intended for the protection of the industry and would be used to restrict low grade bulls from the forest range.

Section 55-3 provides for restrictions in the running of stallions on forest range. With this restriction in effect, a roundup would be necessary every year. (See Section 42). Under the terms of this regulation stallions may be entirely restricted.

Section 55-4 provides for the removal of animals suffering from contagious disease.

The forest officer may require the removal of such animals, or remove such animals himself.

Section 55-5 provides authority where necessary to require that any cattle under two years of age be vaccinated against blackleg before being permitted to graze on forest range.

Decision in this connection rests with the Minister and if the forest officer deems such action necessary he must give good and sufficient reasons to support his recommendation.

Glossary of Grazing Terms and Phrases

- Alienations - Privately owned or controlled, deeded or leased lands within a Forest Reserve.
- Allowances - This term refers to the yearly allowance letters from the District Inspector to Forest Supervisors indicating the Director's approval of certain features of the grazing program for the year such as grazing periods established, grazing fees, allotment and distribution of stock over various districts, divisions and individual ranges, grazing unit and preference limit numbers, etc.
- Allotment - This term is used in two ways. First, it may mean the total number of stock to be allowed on a particular division, district or reserve. Second, it may mean an individual range. For instance, one speaks of sheep allotment, the term division not being applicable.
- Artificial Revegetation - Renewal of overgrazed and depleted ranges by direct seeding as opposed to natural seeding from grasses growing on the range in question.
- Authorization - See Allowances. Authorization refers to the setting of grazing periods, the fixing of grazing dues, the fixing of the number and kind of stock to be grazed in each district and the division of the Forest Reserve as determined for each year by the Director of Forestry.
- Carrying Capacity - The maximum number of stock of the different classes which a range area will support year after year during the established grazing period without injury to forest or range.
- Common Use of Range - The grazing together on one grazing division of stock belonging to several range users who live in the same general community.
- Commensurate Ranch Property - Ranch or farm property capable of supporting the owner's stock for the portion of the year during which they are not grazed on the Forest Reserve.
- Deferred Grazing - Using range in rotation so that each portion will bear its share of early grazing and thereby afford protection to each portion or unit of the range in its turn until the forage plants have reached seed maturity.
- Mutual Range - Range used by two or more classes of stock. For example sheep may be grazed on a cattle and horse division in order to utilize the portions of the range which might otherwise go ungrazed.

Natural Revegetation - The improvement of a range by a system of controlled grazing whereby the native grasses are allowed to seed and restock the range.

On and Off Range - A range consisting of a natural grazing unit, part of which lies inside the Forest Reserve and part outside of it. "On and off" permits are issued on such ranges.

Overgrazing - Grazing which, when continued for one or more years, reduces the forage crop or causes an undesirable change in the kind of forage.

Priority - In approving applications, certain stockmen are given a priority over other applicants less entitled to consideration.

1. By prior use of Forest Reserve lands,
2. By local residence, ownership of improved ranch property and dependence on range.

Preference - Preferences are established as follows:

1. By regular use of Forest Reserve range under temporary permit for three consecutive years subject to the land ownership requirement of the preference limited restrictions.
2. By acquisition of a regular permittee's stock and ranch.

Preference may become established and as such provide for renewal of permit from year to year subject to special conditions set forth in Section 41 of the Regulations.

Preference Limit - The greatest number of stock on which a grazing permittee on Forest Reserves may establish a preference.

Disposal of Hay.

Policy

Hay permits will not be encouraged or granted in districts where the grazing of livestock is likely to become an important feature. Grazing permits will be given the preference over hay permits in any district.

Use of Land under Lease or Permit.

The proper utilization of forest resources and the recovery of minerals necessitates the construction of buildings and other works. This need is recognized and provided for under the following sections of the Regulations.

Lease of Surface Rights

Section 64

Section 64 authorizes the Minister to lease lands for definite purposes and under certain conditions.

Classes of Applicants to be considered. Terms of Lease.

Section 64 (a)

To the owner or lessee of a mining claim such an area as is necessary for the working of the mine. The form of lease and terms of lease shall be subject to the Minister's approval. The term of lease of the surface rights is not to exceed the term of the lease of the mining rights and in any case not to exceed twenty-one years.

Section 64 (b)

For schools, churches, club houses, sanitarium, and cemeteries. Conditions, period and area subject to the Minister's approval. Term of lease not to exceed twenty-one years. Renewal subject to compliance with conditions of lease.

Section 64 (c)

Leases for building lots under the following conditions and subject to approval by the Minister:

1. Lease of such lots may be granted only within a duly established summer resort.
2. Terms of lease - forty-two years and renewable in like periods.
3. Rental to be fixed by the Minister.
4. Re-adjustment of rental to take place in the year 1920 and at the end of every ten year period thereafter.
5. Before a lease is issued, the applicant shall execute an agreement by which he will undertake to erect and complete within one year, subject to the satisfaction of the forest officer in charge of the reserve, a building for residential purpose, the plans and specifications of which have been previously approved by the said officer. On fulfilment of the terms of agreement, the lease shall be granted.
6. No building shall be erected or used for other than residential purposes unless special authority is secured from the Minister.

Transfer of Leases

Section 64 (d)

Leases are not transferable without the written consent of the Minister.

Survey of Surface Rights and Costs.

Section 64 (a)

The expenses of any special survey necessary to be made in connection with an application for surface rights shall be borne by the applicant.

General statement of policy in connection with the lease of building lots.

While field officer will not as a rule be directly concerned with the granting of leases, it is well that they should be informed as to who are eligible for leases and the conditions governing the granting of leases. It is especially desirable that they should note the conditions under which building lots are leased.

It is the recognized policy of the Forest Service that building lots will not be leased except within a duly qualified summer resort. It is not the policy of the Forest Service to authorize this use through an annual permit.

Policy in respect to Grazing Uses.

Section 66 (b)

Applications will be dealt with on their merits. Generally speaking, individual grazing permittees will not be allowed to establish a headquarters within the Forest. Exceptions may be made where the operation is a large one and the status of the permittee satisfactory.

Fencing Permits - Applications for permits of this nature must be carefully investigated. Applications from individual permittees will not receive consideration unless of benefit to stock management on forest range. Future use and requirements must be considered in this connection.

Stock Associations - Applications from recognized associations for the construction of range headquarters, corrals, division and interdivision fences will receive every consideration.

